

**Docket No.:** T14-0035  
**Bench Date:** 07/09/2014  
**Deadline:** N/A

**M E M O R A N D U M**

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**TO:** The Commission

**FROM:** Timothy Duggan, Administrative Law Judge

**DATE:** June 17, 2014

**SUBJECT:** City of Urbana, Illinois, a municipal corporation,  
Petitioner,

v.

Norfolk Southern Railway Company, a Virginia Corporation,  
Respondent.

Petition for an Order of the Illinois Commerce Commission to construct a pedestrian sidewalk on the east side of Race Street, adjacent to the existing at-grade crossing of the Norfolk Southern Railway Company's track in Urbana, Champaign County (AAR/DOT #543 239M, railroad milepost UM-30.30).

**RECOMMENDATION:** Enter Order approving construction of a pedestrian sidewalk across at-grade crossing.

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On March 14, 2014, the City of Urbana filed a Petition requesting authority to construct a sidewalk over NS tracks at Race Street. Hearing was held on June 4, 2014.

A single NS track runs east-west and crosses Race Street, a busy north-south street. A pedestrian path presently crosses the tracks on the west side of Race Street. On the east side, a sidewalk does not cross the tracks but there is a sidewalk that terminates 142 feet south of the tracks and a sidewalk that terminates over 100 feet north of the tracks. The City proposes to construct a sidewalk that will cross the tracks and connect the existing sidewalks north and south of the tracks.

Approximately one train per day uses the NS track at a maximum timetable speed of 10 miles per hour. NS has relocated its automatic flashing light warning devices and installed bells on each side of Race Street to accommodate the pedestrian paths and traffic. NS has also agreed to widen the crossing surface to 50 feet and install a new asphalt surface with rubber flange way fillers along the rails. The 50 feet length of the crossing along the rails will be long enough to serve as the surface for both

the existing west side path and the new east side path across the tracks, and provide a two foot "shoulder" on each end. The asphalt and rubber crossing with will extend out 10 feet from the center line of the track on each side of the track. The sidewalk will be built in accordance with design plans admitted into evidence.

The City will be responsible for all costs of construction for the project. It will reimburse NS for the costs of installation of the new crossing surface.

The City will install the concrete portion of the sidewalk approaches up to 10 feet from the track. The City will be responsible for maintenance of the east sidewalk up to two feet from the outside of each rail, and the costs of such maintenance.

NS will install the new asphalt and rubber crossing surface, and be responsible for the maintenance of the crossing surface to a point two feet out from each rail, and the costs of such maintenance.

NS and Staff have no objection. All waived a Proposed Order.

I recommend entry of the attached Order approving installation of the sidewalk.